IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.970 OF 2007

1. Shri.Naresh Narayan Patil
2. Shri.Shashikant Kaluram Mhatre
3. Shri.Dilip Dattatray Patil
All are r/o Navadgaon, Taluka Panvel, Dist.Raigad ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.S.R.Chitnis Senior Advocate with Mr.Amol Pataankar for Applicants
Mr.K.V.Saste, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned senior advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail in C.R.No.I-48 of 2007 of Taloja Police Station. The said case is mainly under Sections 395 and 427 of IPC.

3. The complainant Laxman Mhatre is the President of Panvel Taluka Congress (I) Party. The applicants are members of Peasant and Workers

Party. On 11.3.2007, there was voting for Zilla Parishad Election. On 11.3.2007 immediately after voting was completed, this incident took place. There are cross cases i.e. C.R.No.48 of 2007 and 49 of 2007. In the present case, Laxman Mhatre has lodged the complaint against the applicants and more than 60 persons. The complainant has stated that the present applicants along with 40 others who have been named in the complaint and another 20 to 25 people, gathered out side his house with weapons in their hands. It is his case that two persons fired at his house including applicant no.3 and the other persons who were armed with swords and sticks caused damage to his car by hitting on his car with the said weapons. Thereafter, out of the mob of about 60 to 65 persons, some persons entered into his house and caused damage to the articles therein. They also threw stones on his house. It is the case of the complainant that thereafter when he went into his house, he found that cash of Rs.7,50,000/- which he had kept in one bag, had been stolen.

4. Admittedly, complainant was not there when this incident of robbery occurred. It is also an

admitted fact that no person was injured in this incident, whereas in the complaint filed by applicant no.3, applicant nos.3 and 4 others were injured. The applicant no.3 sustained incised wounds and one of the other witnesses sustained injuries on the head. The said case is C.R.No.49 of 2007. The said case is under Sections 395, 326 and 427 etc. of IPC.

5. Mr.Chitnis, contended that that the complaint in which the present applicants have been involved, is clearly a counterblast to the complaint filed by applicant no.3, wherein the applicant no.3 and others were injured. He further submitted that even according to the complainant when the amount of Rs.7,50,000/- was taken away, no attempt was made to cause death or cause injury or wrongfully restrain any person or cause any fear thereof. In the present case, admittedly, no one was injured in the incident. Moreover, it is not the prosecution case that the applicants are likely to abscond. In this view of the matter, I am inclined to grant bail to the applicants.

6. Each of the applicants to be released on bail in the sum of Rs.30,000/- (Rs.Thirty thousand only) with one or two sureties to make up the said amount in connection with C.R.No.I-48 of 2007 of Taloja Police Station. After their release, the applicants shall report to Taloja Police Station from 10.00 a.m. to 2.00 p.m. for a period of fifteen days. Thereafter, the applicants shall not enter within the limits of Panvel Taluka Police Station. Before being released on bail, the I.O. shall be informed the address at which the applicants will reside during the period that they are on bail. The applicants shall report to the nearest Police Station to that address once in a week till the conclusion of the trial.

7. Application is disposed of.

[V.K.Tahilramani, J.]